



1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Kentucky Department of Education

4 (New Administrative Regulation)

5 704 KAR 3:015. Kentucky All STARS for Preschool Programs.

6 RELATES TO: KRS 199.8943, 157.3175

7 STATUTORY AUTHORITY: KRS 156.160

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 gives the Kentucky Board of

9 Education specific authority to promulgate administrative regulations establishing guidelines for

10 the preschool program. KRS 199.8943 requires the Kentucky Department of Education, in

11 consultation with the Early Childhood Advisory Council, to promulgate administrative

12 regulations that implement a quality-based graduated early childhood rating system for public-

13 funded preschool. This administrative regulation establishes the Kentucky All STARS Program,

14 a quality based graduated early childhood rating system defined by KRS 199.8943, for the state-

15 funded preschool program.

16 Section 1: Definitions. (1) "Administrative and Leadership Practices" means a domain of

17 standards related to the planning, implementing and evaluating of early childhood program

18 services.

19 (2) "Classroom and Instructional Quality" means a domain of standards related to

20 developmentally appropriate teaching and learning practices in early childhood program settings.

(3) "Environment assessment" means a rating scale to assess quality in a preschool program setting and consists of the following evaluated items: (a) Physical environment; (b) Basic care; (c) Curriculum; (d) Interaction; (e) Schedule and program structure; and (f) Parent and staff education.

(4) "Expiration date" means the date the quality rating certificate issued by the Department of Education or its designee is no longer valid.

(4) "Family and community engagement" means a domain of standards related to involving parents, families, and communities in the early childhood program.

(5) "Issue date" means the date the quality rating certificate was issued by the Department of Education or its designee.

(6) "Kentucky All STARS Rating System" or "STARS" means the quality based-graduated early childhood rating system in accordance with KRS 199.8943 and the Kentucky All STARS Quality Rating Level requirements set forth in 922 KAR 2:270.

(7) "Preschool" means program services as defined by KRS 157.3175.

(8) "Preschool site" means a location with a school ID code assigned by the Kentucky Department of Education providing program services as defined by KRS 157.3175.

(9) "Renewal year" means the year that a preschool site renews its quality rating certificate with the Department of Education.

Section 2. Preschool Site Participation. (1) A preschool site providing services pursuant to 704 KAR 3:410 and this administrative regulation shall participate in Kentucky All STARS Rating System:

(a) At STARS Level 3; or

(b) At STARS Level 4; or

(c) At STARS Level 5.

Section 3. ALL STARS Preschool Quality-Rating Level Requirements. (1) A preschool site shall undergo an environment assessment conducted by the department or its designee. A preschool site shall achieve a minimum environment assessment score per classroom observed set forth in 922 KAR 2:270 in order to earn STARS Level 4 or 5.

(2) The department or its designee shall determine a preschool site's STARS level using the following four (4) domains:

1. Family and community engagement, which shall include professional development related to family engagement, implementation of family engagement initiatives, and partnership building with community agencies.

2. Classroom and instructional quality, which shall include the use of developmental screenings, curriculum, and assessments, as well as participation in an environmental observation.

3. Staff qualifications and professional development, which shall include the hours of staff training, professional development plans for staff that align with state requirements, and staff credentials.

4. Administrative and leadership practices, which shall include time for lesson plan development, implementation of a continuous improvement plan, and provision of staff benefits, such as health insurance.

(3) In order to hold a STARS Level 3, 4 or 5 quality rating certificate, a preschool site shall achieve at least the minimum total points in each domain as set forth in 922 KAR 2:270 for each STARS level.

(4) Preschool program sites meeting the requirements set forth in this regulation shall be awarded a STARS level certification renewable every three years pursuant to Sections 4 and 5 of this regulation.

Section 4. Annual Quality Review. (1) During the three (3) year STARS certification period, a preschool site shall verify the site's STARS level annually with the department or its designee.

(2) A preschool site that does not report sustained adherence to the criteria and domains pursuant to Section 3 of this administrative regulation shall undergo a reevaluation of the site's rating as detailed in Section 6 of this regulation.

Section 5. Renewal. (1) The department or its designee shall notify a preschool site at least ninety (90) calendar days in advance of the expiration of the preschool site's STARS certificate.

(2) The department or its designee shall determine a preschool site's STARS level for renewal based on the criteria and domains specified in Section 3 of this administrative regulation.

Section 6. Reevaluation. (1) The department or its designee shall reevaluate a preschool site's STARS certificate if the:

(a) Preschool site's location of preschool services changes;

(b) Preschool site requests a reevaluation within ninety (90) calendar days after receiving certification during its renewal year; or

(c) Preschool site does not report sustained adherence to the domains pursuant to Section 3 of this administrative regulation.

Section 7. Revocation. (1) The department or designee may revoke, non-renew, or take other action regarding award of STARS certification to a preschool site in accordance with KRS 157.3175, 704 KAR 3:410, and 707 KAR Chapter 1.

1 Section 8. Appeals. (1) If the department or its designee determines that a preschool site does not
2 meet the standards for the STARS level for which the site is certified, a site shall:
3 (a) Accept a lower rating level; or
4 (b) File a written request signed by the superintendent, upon approval of the local board of
5 education, for reconsideration with the Commissioner of Education who shall respond in writing
6 within 30 days. If the preschool site disagrees with the response of the Commissioner of
7 Education, it may request an administrative hearing in accordance with KRS 13B.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

6-11-18
(Date)

Wayne D. Lewis, Ph.D.
Wayne D. Lewis, Ph.D.
Commissioner of Education

6-11-18
(Date)

Milton Seymore by M. M.
Milton Seymore, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 23, 2018, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, Interim General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 3:015
Contact Person: Todd Allen todd.allen@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: Creates administrative regulation 704 KAR 3:015 implementing the requirements of KRS 199.8943 for state-funded preschool program sites to participate in Kentucky's quality-based graduated early childhood rating system. The regulation aligns with KRS 199.8943 requiring administrative regulations governing public preschool's participation in Kentucky All STARS.

(b) The necessity of this administrative regulation: This regulation creates 704 KAR 3:015 ensuring state-funded preschool's participation in All STARS, Kentucky's quality-based graduated early childhood rating system.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.060, KRS 156.070 and KRS 199.8943.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation implements a quality-based graduated early childhood rating system for state-funded preschool, provides agency time frames for certifying preschool sites in All STARS, establishes an appellate process under KRS Chapter 13B for preschool sites and provides these sites with the ability to request reevaluation for rating.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this amendment are: all school districts, sites with state-funded preschool classrooms, Head Start programs blended with state-funded preschool programs, Early Childhood Regional Training Centers (RTCs), and preschool and Head Start staff working in school district preschool sites.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment,

including: This regulation ensures state-funded preschool participation in All STARS and aligns preschool and child care minimum point totals for STARS levels 3, 4 and 5 pursuant to 922 KAR 2:270.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation aligns with child care quality requirements and ensures a unified quality-based graduated early childhood system, meaning the quality in a five (5) STAR child care center is comparable to the quality in a five (5) STAR state-funded preschool site.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional cost

(b) On a continuing basis: No additional cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts. N/A

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:015
Contact Person: Todd Allen todd.allen@education.ky.gov
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? There will be no change to local district operations or fiscal impact.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 199.8943, KRS 156.060 and KRS 156.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? There will be no additional cost associated with this regulation because administration will be integrated into the existing preschool monitoring system.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost associated with this regulation because administration will be integrated into the existing preschool monitoring system.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A